

Steven E. Chaykin, Esq.  
Florida Bar No. 224081  
**AKERMAN SENTERFITT**  
SunTrust International Center  
One S.E. Third Avenue, 25<sup>th</sup> Floor  
Miami, FL 33131-1704  
Telephone: (305) 374-5600  
Facsimile: (305) 374-5095  
E-Mail: [steven.chaykin@akerman.com](mailto:steven.chaykin@akerman.com)

Attorneys for Defendant  
Randy W. Goldberg

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiffs,  
v.  
RANDY W. GOLDBERG,  
Defendants.

**CR-07-00788-JF-7**

The Hon. Judge Jeremy Fogel

DECLARATION OF COUNSEL IN  
SUPPORT OF *EX PARTE*  
APPLICATION FOR WAIVER OF  
DEFENDANT'S PERSONAL  
APPEARANCE

I, Steven E. Chaykin, declare:

1. I am an attorney at law, admitted to practice in the Northern District of California on a *pro hac vice* basis. I am lead counsel for Defendant, Randy W. Goldberg, in the above-captioned matter.

1           2.     Mr. Goldberg lives in Florida. Because the appearance on April 2, 2008  
2 is for a status hearing, he has requested that his personal appearance be waived. The  
3 cost and time of traveling to San Jose would create a hardship on Mr. Goldberg for a  
4 hearing in which his presence is not necessary.

6           3.     I spoke with Assistant U.S. Attorney Jeffrey Nedrow, who advised me  
7 that he has no objection to excusing Mr. Goldberg's appearance on April 2, 2008.

9           4.     Under F.R.Cr.P. 43(c), a Defendant need not be present when the  
10 proceeding involves only a conference or hearing upon a question of law.

11           5.     Accordingly, I respectfully request that the Court grant Mr. Goldberg's  
12 request to be excused from the April 2, 2008 hearing.

14           I declare under the penalty of perjury under the laws of the State of California  
15 that the foregoing is true and correct, and that this declaration is made on March 26,  
16 2008 in Miami-Dade, County, Florida.

18                               Respectfully submitted,

19                               **AKERMAN SENTERFITT**

20                               Counsel for Defendant, Randy W.  
21                               Goldberg

22                               SunTrust International Center  
23                               One S.E. Third Avenue, 25<sup>th</sup> Floor  
24                               Miami, FL 33131-1714

25                               Telephone: 305.374.5600

26                               Facsimile: 305.374.5095

27                               Email: [steven.chaykin@akerman.com](mailto:steven.chaykin@akerman.com)

28                               By: s/Steven E. Chaykin (pro hac vice)

                                  Steven E. Chaykin, Esq.

                                  Florida Bar No. 224081

and

Michael S. Simon, Esq.  
Co-Counsel for Defendant, Randy W.  
Goldberg  
**AKERMAN SENTERFITT**  
725 South Figueroa Street, 38<sup>th</sup> Floor  
Los Angeles, CA 90017-5438  
Telephone: 213.533.5911  
Facsimile: 213.627.6342  
Email: michael.simon@akerman.com

**PROOF OF SERVICE BY E-MAIL OR ELECTRONIC TRANSMISSION**

## STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I am employed in the County of Miami-Dade, State of Florida; I am over the age of 18 years and not a party to this action. My business address is One S.E. 3<sup>rd</sup> Avenue, 25<sup>th</sup> Floor, Miami, Florida 33131-1714.

On March 26, 2008, I served the following document described as:

**DECLARATION OF COUNSEL IN SUPPORT OF EX PARTE  
APPLICATION FOR WAIVER OF PERSONAL APPEARANCE**

Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses (or fax numbers, if email not provided) listed below:

Jeffrey David Nedrow, Esq., USAO Lead Attorney for Plaintiff <a href="mailto:jeff.nedrow@usdoj.gov">jeff.nedrow@usdoj.gov</a>	Edwin Ken Prather, Esq. Lead Attorney for Asaf Nass, Defendant <a href="mailto:eprather@clarencedyer.com">eprather@clarencedyer.com</a>
Garrick Sherman Lew, Esq. Lead Attorney for Limor Gefen <a href="mailto:gsl@defendergroup.com">gsl@defendergroup.com</a>	Ronald Gainor, Esq. Lead Attorney/ <i>Pro Hac Vice</i> for Brandi C. Aycock <a href="mailto:gains_2000@hotmail.com">gains_2000@hotmail.com</a>
Jerry Y. Fong, Esq. Attorney for Brandi C. Aycock <a href="mailto:jf@careyandcareylaw.com">jf@careyandcareylaw.com</a>	Mark A. Arnold, Esq. Lead Attorney to David R. Lamondin Phone: 408-286-6320; Fax: 408-286-9155
Michael D. Orenstein, Esq. Lead Attorney to Matthew D. Sandomir Phone: 954-963-0100; 954-963-2227	Hugh Anthony Levine, Esq. Lead Attorney to Stuart H. Sheinfeld <a href="mailto:halesq@ix.netcom.com">halesq@ix.netcom.com</a>
Michael J. Sacks, Esq. Lead Attorney to Carol Haeussler Phone: 954-575-8691; Fax: 954-575-8041	Lara Suzanne Vinnard, Esq. Federal Public Defender Lead Attorney to Christopher A. Sariol <a href="mailto:lara_vinnard@fd.org">lara_vinnard@fd.org</a>
Vicki H. Young, Esq. Lead Attorney to Eduardo A. Subirats <a href="mailto:vickihyoung@yahoo.com">vickihyoung@yahoo.com</a>	

I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (State) I declare under penalty of perjury under the laws of the State of

1 California that the above is true and correct.

2 **[x]** (Federal) I am a member of the Bar for the State of Florida and admitted  
3 *Pro Hac Vice* in the Northern District of California. I declare  
4 under penalty of perjury under the laws of the United States of  
5 America that the above is true and correct.

6 Executed on March 26, 2008, in Miami-Dade County, Florida.  
7  
8

9 s/ Steven E. Chaykin (Pro Hac Vice)  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28